

# Order

Michigan Supreme Court  
Lansing, Michigan

December 22, 2020

Bridget M. McCormack,  
Chief Justice

David F. Viviano,  
Chief Justice Pro Tem

Stephen J. Markman  
Brian K. Zahra  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh,  
Justices

161869 & (28)

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 161869  
COA: 353243  
Emmet CC: 19-004943-FH

LUCUS WILLIAM COVEY,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the July 13, 2020 order of the Court of Appeals is considered. We DIRECT the Emmet County Prosecuting Attorney within 28 days after the date of this order to answer the defendant's claim that as a Native American tribal member, in a case where the crimes allegedly were committed on tribal reservation land, Michigan's state courts lacked jurisdiction over his case. See *McGirt v Oklahoma*, \_\_\_ US \_\_\_; 140 S Ct 2452; 207 L Ed 2d 985 (2020), and *Solem v Bartlett*, 465 US 463, 465 n 2 (1984). The prosecuting attorney shall also answer the defendant's claim that trial defense counsel was constitutionally ineffective, *Strickland v Washington*, 466 US 668 (1984), for failing to pursue a restitution hearing to establish that the defendant may only have been guilty of the misdemeanor of malicious destruction of property worth less than \$1,000.

The application for leave to appeal and the motion to remand remain pending.



s1214

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 22, 2020

Clerk